



UNITED STATES PATENT AND TRADEMARK OFFICE

11A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,806	10/15/2003	Jana H. Jenkins	RSW920030214US1	5137
45541	7590	08/15/2006	EXAMINER	
HOFFMAN WARNICK & DALESSANDRO LLC			PHAM, THAI V	
75 STATE ST			ART UNIT	
14TH FLOOR			PAPER NUMBER	
ALBANY, NY 12207			2194	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No. 10/685,806	Applicant(s) JENKINS, JANA H.	
	Examiner Thai Van Pham	Art Unit 2194	

-- The MAILING DATE f this communication appears on the cover sheet with the c rrespondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the initial office action based on the application filed on August 1, 2006. Claims 1 – 21 are currently pending and have been considered below.

Specification

1. The disclosure is objected to because of the following informalities: typographical errors.

-- In paragraph [0026] on page 10 of the specification ("*Using the illustrative information shown in Fig. 2...*") "*Fig. 2*" should be corrected to be "*Fig. 3*".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 8 – 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

-- As disclosed in the specification of the application, all components recited in the claim that constitute the claimed system are constructed of software program objects and/or instructions. Thus, the claimed system is considered a software program containing machine-executable instructions, per se (and not associated with any physical structure); therefore, it is non-statutory according to 35 U.S.C 101. For the purpose of further claim analysis under 35 U.S.C. 102 and 103, The Examiner treats Claims 8 – 14

Art Unit: 2194

as a computer program containing machine-readable instructions stored on a physical medium for performing the method or steps recited in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being obvious over **Havens** (5,752,242).

-- Claims 1, 8, and 15:

Havens discloses a method and program product stored on a recordable medium for analyzing messages associated with computer program code, comprising providing message analysis criteria which identifies at least one computer program component, at least one properties file and a predetermined time period; and designating desired information including a message quantity for at least one type of message; identifying instances of the at least one type of message based on the analysis criteria; and analyzing the instances to determine the desired information (i.e., filter framework for retrieving information from a file source; Fig. 2b, page 9 lines 57 – page 10 line 20).

However, **Havens** does not explicitly disclose the desired information further comprising an estimated line count for at least one type of message. It is common that

once a particular message has been identified and retrieved from its program source, the size of the message in terms of word, character, or line count is also desirable for overhead computing cost analysis. In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further enable the method to obtain a line count for the message where the line count of the message can be easily obtained by running many readily available line counting software programs. For example, executing a line counting command in a Unix operating system, "wc -w, c, or l", yields the word, character, or line count of a file, respectively.

-- Claims 2, 9, and 16: **Havens** discloses the method and program product of claim 1 further comprising outputting the desired information (i.e., the displaying of the filter framework GUI via a computer monitor, Figs. 1 and 2b).

-- Claims 3, 10, and 17: **Havens** discloses the method and program product of claim 1 but does not explicitly disclose that the method further comprising computing an estimated translation cost based on the estimated line count. A computing system always incurs an overhead cost, usually in terms of computing resources, when the software application it is running produces messages to communicate with the operator. When such a computer system is deployed in different geographic areas where differently written languages are used, the messages produced by the application must be translated into the language supported by the local operating system. In addition to the cost of computing resources, a cost related to the translation of a message from one language to another must also be accounted for. In such cases where it is an objective

for the method and program of **Havens** to calculate the cost associated with translating software-to-user communication messages, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compute an estimated translation cost based on the word count or estimated line count of the messages.

-- Claims 4, 11, and 18: **Havens** discloses the method and program product of claim 1 but does not explicitly disclose the estimated line count is computed by determining a total of words added, changed or deleted within the instances; and dividing the total of words by a predetermined value. Usually, lines in a message or file are separated by RETURN characters; thus, the line count of a message or file is usually obtained by counting the frequency of appearance of the RETURN character in that message or file. There are other cases where a line in a message or file is limited to a predetermined number of characters or words, such as lines displayed in a text editor (e.g., Microsoft Words). In these cases, it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain the estimated line count in a message by determining the number of words in the message and dividing it by a predetermined value, which is the number of words in a line.

-- Claims 5, 12, and 19: **Havens** discloses the method and program product of claim 4 but does not explicitly disclose that the predetermined value is ten. The predetermined value is a variable dependent on the display window or screen size in an application. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the predetermined value to be ten when the maximum

number of words that can be displayed on a line in a certain window or screen is determined to be ten.

-- Claims 6, 13, and 20: **Havens** discloses the method and program product of claim 1, wherein the instances of the at least one type of message are those that correspond to the at least one computer program component and that exist within the at least one properties file during the predetermined time period (i.e., "DATE" field; Fig. 2, page 9 lines 57 – page 10 line 20). **Havens** does not explicitly disclose that the at least one type of message is selected from the group consisting of newly created messages, edited messages and deleted messages. In the software development industry, software configuration management (SCM) software is preferably and prevalently used in source controlling program files. As a message is selected so that its instances can be retrieved from source files within a certain time period, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that, when SCM is employed, the selected message would automatically and implicitly belong to one or more of the created, edited, and deleted categories of messages.

-- Claims 7, 14, and 21: **Havens** discloses the method and program product of claim 6 but does not explicitly disclose that the estimated line count represents a translation estimate for the newly created messages and the edited messages. Systems running software applications that produce messages to communicate with the user impose a cost on the system as discussed in the reasons for rejection of claims 3, 10, and 17. Deleted messages obviously do not contribute to the cost since they are no longer

Art Unit: 2194

processed by the system; created and edited messages, on the other hand, do. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the translation estimate is based on the line count of the newly created and edited messages.

Art Unit: 2194

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Van Pham whose telephone number is (571) 270-1064. The examiner can normally be reached on Monday - Thursday, 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TVP
8/1/2006



James Myhre
Supervisory Patent Examiner